

2001

Frank Granato v. The Salt Lake County Grand Jury : Unknown

Utah Supreme Court

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Recommended Citation

Legal Brief, *Granato v. Salt Lake County Grand Jury*, No. 14425.00 (Utah Supreme Court, 2001).
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UTAH SUPREME COURT

BRIEF

VS. SALT LAKE GRAND JURY

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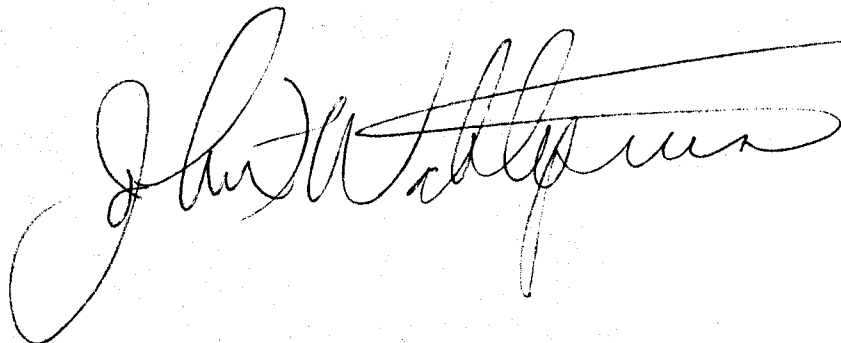
MESSAGE:

September 16, 1976

BRIGHAM YOUNG UNIVERSITY
J. Reuben Clark Law School

Justice Crockett's suggested change to page 5 of my
opinion in the above case (in this case), is a good
one and I agree that the phrase should be eliminated.

Thank you.



development of such a procedure would be highly undesirable. This proceeding has in effect caused the delay of the criminal proceeding for over six months. If the Supreme Court deemed this a proper case to hear an intermediate appeal, it could grant such an appeal;³ but to permit such a power to rest in the civil division of the District Court would cause an unnecessary complication in the process of criminal proceedings. The District Court was therefor justified in dismissing this application for release as an improper effort to substitute the extraordinary writ for the intermediate appeal.

In order for this Court to reach the issues requested to be determined by the appellant herein, the Court would not only have to ignore the obvious error in the naming of defendants, but would also have to ignore the unjustified attempt to develop a new form of intermediate appeal and then proceed to meet the purported issues head on. The Court refuses to do so ~~in this case~~. Insofar as the civil complaint is a justification for the delay of the criminal proceedings, it no longer exists.

3. Rule 72 (b) URCP.